

and total inorganic nitrogen restrictions in the existing Control Regulation 85 nutrients compliance schedule, for example, are currently set to be enforced at the end of November 2019 and need to be extended through the end of 2021 to gather two full years of operational nutrient treatment effectiveness and efficiency data to determine how much nutrient removal can be efficiently and cost-effectively removed.

However, he explained, WQCD Standards Unit Manager Sarah Johnson advocated at this meeting to accelerate the new tighter nutrient restrictions without any time set aside for pilot studies to determine how to best deal with nutrient loading and climatic variations for these complex treatment methods, as well as forcing new wastewater treatment plants to comply in 2017, despite the experimental nature of most of the new technology that has to be installed to meet Regulation 31.17 nutrient restrictions.

Kendrick said having to meet hard permit limits immediately without compliance testing experimentation will make it difficult for state wastewater treatment stakeholders to learn how to operate their slow-reacting, state-mandated biological treatment systems without creating system upsets that take months to fix. Ultimately, the commission unanimously rejected Johnson's proposal to accelerate enforcement by deleting the compliance schedule and unanimously agreed to hear further testimony from treatment facility stakeholders on adding two years for data collection through 2021, particularly for stream temperature limits, Kendrick said.

Wicklund said if Racz and AF CURE's witnesses along with several witnesses for Denver's Metropolitan Wastewater Reclamation District, the largest district in Colorado, had not presented input at the hearing, the WQCC would have accepted Johnson's proposed schedule change without opposition. Burks and Kendrick both said AF CURE is a large enough coalition to effectively put pressure on the WQCC, which is basing its decisions about the reasonable potential for temperature violations in the northern half of Monument Creek on just one temperature sample that was at the upper limit by the West Monument Creek confluence and not a violation of the proposed new stream temperature limits.

Kendrick said there has never been a recorded temperature higher in the northern Monument Creek segment than the proposed summer and winter limits. In addition, AF CURE has numerous historical samples and has voluntarily begun to create a substantial temperature data base for stream temperatures upstream and downstream of plant effluent discharge locations for every wastewater treatment facility in the Arkansas River Basin. "They are making a lot of decisions without a lot of data,"

Burks said regarding the division and commission.

Kendrick said that Dave Moon of the Environmental Protection Agency (EPA) Water Quality Unit Region 8 and WQCD Director Patrick Pfaltzgraff "drew a line in the sand," saying the EPA changed its rules on all aspects the state's Control Regulation 85 and 31 issues on Aug. 31, 2015, particularly those for E. coli, temperature, and nutrients. In addition, the division has rejected every discharger specific variance requested by state wastewater treatment entities after all the stakeholders participated in a multi-year stakeholder process to create the discharger specific variance regulations. The new state variances rules were used by the division to justify elimination of long-standing state temporary modification regulations for situations such as occasionally high Tri-Lakes effluent copper readings and situations where technology or naturally occurring high densities for elements such as selenium, arsenic, and radium result in stream concentrations that cannot be controlled solely by tightening wastewater treatment discharge restrictions, Kendrick summarized.

Pfaltzgraff, a lawyer and retired Air Force judge advocate general, stated that because the current statewide Control Regulation 85 and Regulation 31 water quality review cycles started well before this Aug. 31 EPA rules publication, both state and federal law preclude the EPA from enforcing them in the upcoming triennial review hearings for statewide regulations through June 2016. Moon countered that while that may be true, the EPA will force application of these new criteria to all the individual Colorado triennial basin reviews for Regulations 32 through 38 immediately. These latter regulations apply the general Regulation 31 rules to each of the unique river basins within Colorado that require individual basin exceptions. (See [www.colorado.gov/pacific/cdphe/wqcc](http://www.colorado.gov/pacific/cdphe/wqcc).)

Kendrick said the Water Quality Forum stakeholder process on these two basic regulations would continue, with a special WQCC hearing on Feb. 8. "This is a 'watershed' time," he said.

Kendrick said the Oct. 14 Colorado Water Quality Forum Basic Standards Work Group lasted five hours and again considered circumstances surrounding regulations on mixing zones, sampling locations at Monument Creek, and dissipative cooling. He also participated in Oct. 15 Basic Standards Temperature

Tech group and the Oct. 21 Permit Issues Forum meeting. (For more information, see <http://www.colowqforum.org/workgroup-basic-standards.html>)

Burks and Kendrick said the Nov. 7 AF CURE meeting included a farewell party for departing Pikes Peak Area Council of Governments (PPACG) Environmental Program Manager Rich Muzzy, and that his experience and expertise would be sorely missed.

Burks said that the U.S. Geological Survey presentation at AF CURE on biological activities and sampling on Monument Creek from 1998-2012 was helpful. He said he had hoped to do a multiple metric indexing measures (MMI) study in Monument Creek to have a follow-up study to update the facility's baseline study on aquatic life in the stream that was performed by GEI Consulting. He anticipated that the future phosphorus removal would improve the stream. Note: The previous studies commissioned by TLWWTF over several decades have established that Monument Creek naturally has a low level of fish and macro invertebrates due to its low flow volume and its sandy, shallow bottom.

Kendrick said that at the Nov. 9 Water Quality Control Commission meeting, AF CURE and CMF applied for sur rebuttals requests for the Clean Water Act 303(d) impaired streams hearing on Dec. 14. A sur rebuttal is a rebuttal of state or federal rebuttals to individual stakeholder positions presented to the commission. These requests were submitted "just in case" AF CURE and/or CMF want to rebut any of the division's rebuttals, which had not yet been published. He said it was hard for stakeholders to get late-breaking information included in pre-set timetables regarding temperature and other emerging issues that have never been regulated before.

Kendrick said that the likely bottom line now, based on comments made during the Oct. 1 Basic Standards Temperature Policy workgroup meeting and the Oct. 6 AF CURE meeting, was that TLWWTF may be required to participate in a WQCD-imposed temperature total maximum daily load (TMDL) allocation study and receive a temperature discharge permit limit, even though TLWWTF effluent already cools Monument Creek.

He said both Johnson and Colorado Parks and Wildlife's Mindy May were advocating effluent heat removal by every WWTF plant and showing interest in requiring refrigeration of all state WWTF effluent be-

fore discharging to the receiving stream, "because they can only control/regulate/restrict WWTFs and not the point source we call the sun at this time."

**Financial report**

Burks presented the financial report as of Oct. 31, mentioning that the second-to-last state grant payment of \$200,440 for the phosphorus treatment expansion project had been received. The final grant payment of \$142,830 should be received before the end of November. The financial reports were accepted as presented unanimously.

Wicklund reported that the additional \$850,000 in state grant money for phosphorus and nitrogen nutrient removal projects that may be available for funding the phosphorus removal treatment expansion he had mentioned last month was only being offered to wastewater districts with less than 5,000 residents. MSD and PLSD could potentially qualify with that criteria,

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